

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52221 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- PUPRI District- Sitamarhi

1. MD. HAMZA JAKI @ ABU HAMZA JAKI S/O MD. JAKAULLAH JAKI Resident of village- Awapur, Ward No- 04, P.S.- Pupri, District- Sitamarhi.
2. MD. HAIYAN RAYEES @ HAIYAN RAYEES S/O RAYEES AZAM Resident of village- Awapur, Ward No- 04, P.S.- Pupri, District- Sitamarhi.
3. MD. ASHRAF @ MD. ASHRAF ALI S/O MD. MANJOOR Resident of village- Awapur, Ward No- 04, P.S.- Pupri, District- Sitamarhi.
4. MD. MOASEER @ MD. MOASSIR ZAYA S/O JIYAULLAH @ GORE Resident of village- Awapur, Ward No- 04, P.S.- Pupri, District- Sitamarhi.
5. MD. SAFDAR @ SAFDAR S/O MD. MAHMOOD ALAM Resident of village- Awapur, Ward No- 04, P.S.- Pupri, District- Sitamarhi.
6. MD. ARBAB @ ARBAB ALAM S/O MD. JUNAID ALAM Resident of village- Awapur, Ward No- 04, P.S.- Pupri, District- Sitamarhi.
7. MD. MAHMOOD ALAM @ MAHMOOD ALAM S/O LATE NURUL HASSAN Resident of village- Awapur, Ward No- 04, P.S.- Pupri, District- Sitamarhi.
8. MD. JUNAID ALAM S/O LATE NURUL HASSAN Resident of village- Awapur, Ward No- 04, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Advocate Mr.Nafisuzzoha, Advocate
For the State	:	Mr.Mukesh Kumar Singh, APP
For the Informant	:	Mr. Pratik Mishra, Advocate Mr. Ashhar Mustafa, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

10 24-05-2023 Heard the learned counsel for the
petitioners, learned counsel for the informant and
the learned A.P.P. for the State.

The petitioners apprehend their arrest in
connection with Pupari P.S. Case No. 48 of 2022



registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 452, 325, 379 and 354B of the Indian Penal Code.

At the outset, the learned counsel for the petitioners seeks not to press the present petition qua the petitioners no. 1 to 3, however, seeks liberty on behalf of them to enable them to surrender before the learned court below and apply for regular bail. Liberty so sought is granted.

Accordingly, the present petition qua the petitioners no. 1 to 3 stands dismissed as not pressed.

The case of the prosecution, in brief, according to the informant, is that on 22.02.2022 at about 1:00 P.M., the accused persons had started cutting the trees situated in the orchard of the informant and thereafter, they had also cut the electric supply line apart from taking out the food grains from the PDS shop of the father of the informant. It is also alleged that while the petitioner no. 1 had held the informant, the petitioners no. 2 & 3 had mercilessly beaten the



informant resulting in him sustaining grievous injuries including fracture injuries, whereafter the other accused persons had also assaulted the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they has been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that as far as the petitioners no. 4 to 8 are concerned, they are having a clean antecedent. It is also submitted that the main allegation of assault, resulting in infliction of grievous injuries upon the informant, are upon the petitioners no. 1 to 3, however, as far as the petitioner no. 4 is concerned, he is not alleged to have engaged in any sort of overt act while the allegations levelled against the petitioners no. 5 to 8 are general and omnibus in nature.

Per contra, the learned A.P.P. for the State and the learned counsel for the informant have vehemently opposed the prayer of the petitioners for grant of anticipatory bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that as far as the petitioner no. 4 is concerned, he has not been alleged to have engaged in any sort of overt act and as far as the petitioners no. 5 to 8 are concerned, a general and omnibus allegation has been levelled apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners no. 4 to 8 herein to the privilege of anticipatory bail.

Accordingly, the ***petitioners no. 4 to 8, above named***, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri at Sitamarhi, in connection with Pupri P.S. Case No. 48 of 2022



subject to the conditions as stipulated under
Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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